THE STATE AND THE NATION.

"The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your independence—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness."—*Washington's Farewell Address.*

A LEARNED and acute gentleman has recently put forth a new edition of a large book, designed, as the preface states, to show that the authors and promoters of the late rebellion committed no crime against the laws of the United States, for the reason that their States having passed ordinances of secession, they were no longer amenable to the Constitution and laws of the United States against treason, insurrection, etc., and that now the American people "are, in form, and life, and action, an association of republics," and, as we understand him, nothing more or other.*

Another writer, justly very eminent at the bar, and very powerful in the political party that resisted the last three amendments of the Federal Constitution, and all legislative action to enforce them, has, in the May number of this REVIEW, given his views on the nature of the relation of the national and State governments, and has pointed out what he considers to have been the invasions of State rights by the national Government, and the dangers of many acts of Congress in the direction of centralization.†

* "The Republic of Republics, or American Federal Liberty." By C. P. Centz, Barrister. Boston: Little, Brown & Co. 1881.

† "Centralization in the Federal Government." David D. Field.

With the fundamental and definite proposition of the latter writer we entirely agree, that "the American Government" is "that mixed system of national and State organizations which found their last and best expression in the Constitution of the United States. The vital principle of this system is the balancing of the governments, national and State, in such a manner as to hold them forever in equipoise."

We think it as clear as anything can be made in this world by the use and interpretation of language, by nearly a century of historic practice, and by the judgments of the judicial courts, both State and national, that the doctrines of the "Republic of Republics" are wholly unfounded. The confederacy of the Revolution came near being what Mr. Centz conceives the United States to be now. The Declaration of Independence, when effectual, made each colony a State, perfectly independent of all the others. There was no obligation to any kind of union. Sixteen months later, these States, as such, formed a confederation, which was neither legally nor philosophically a government. It had the power "of determining on peace and war," of sending and receiving embassadors, entering into treaties under strict limitations, of regulating questions of prize, of appointing courts for the trial of piracy and felonies on the high seas, to decide certain controversies between the States, to regulate the alloy and value of coin, and intercourse with the Indian tribes, to establish and regulate "post-offices from one State to another," and to appoint certain officers in the army and navy. This, in substance, was all. It could not impose any taxes upon persons or things; it could have no judiciary except as to piracy, etc., and, consequently, even as to the post-office, it could not itself enforce its own power. It was indeed a league,—precisely what Mr. Centz considers the present United States to be,—an association of republics. The Revolution lasted six years longer, and was slow and full of disaster and disappointment chiefly because the confederacy had no direct relations with the body of the people whose liberties it was endeavoring to secure, and could not compel the service of a single citizen or the payment of a penny into the common treasury. It is probable that the glorious enterprise would, on these accounts, have failed altogether, but for the ancient hostility of the king of the French to the British, which was brought in effective play at the critical moment, not on account of any love of his for free institutions, but because

he desired to dismember the empire of a rival and an enemy. The brave and intelligent French people have required almost one hundred years to emancipate themselves from the tyranny of kingcraft, since their own king assisted our fathers to establish a government of liberty and order, to which their own is at last happily assimilated.

The independence of the American States having finally been achieved by the peace of 1783, the confederacy of the thirteen independent and "associated republics" continued for four years of peace the experiment of that species of association which had been found so inadequate in time of war. It proved to be as pernicious in peace as it had been insufficient in war, and when the Convention of 1787 met, the peril of the complete failure of the United States was imminent. The Convention contained many members of learning, of wisdom, of prudence, and of practical sagacity in affairs. The discussion and proceedings show that human history was ransacked, and all the fountains of philosophy and experience were opened. Everything was considered. There were the dangers of what we are now accustomed to call centralization—a very conveniently indefinite and elastic term—and the perils of decentralization—an equally uncertain term, but of which the people of the States had tasted the bitterness. The centralization feared was not so much that of lodging powers in a government of all the States and all the people, as that of power falling into the hands of the few—an aristocracy—and so drifting back to a class and kingly government like that from which the colonies had delivered themselves.

Among a people substantially homogeneous there could be little danger to liberty in the centralization of all legislative power in the hands of the representatives of all the people, under a written constitution. Such was essentially the government of each one of the States. But the very fact that the people of all the States were one people, with a common intercourse, with common objects, and common necessities and dangers, made it evident that, for common purposes, a government of that people should be instituted. The members of the Convention were familiar with the fate of the Greek republics, which had gone to ruin from the want of such a government and from a gradual centralization of power and domination in one State, which could not easily have happened in a case in which the coherent power and voice of all might hold in check the ambition or insolence of any

part. They saw that the brilliant triumph of the United Netherlands, in their struggle for liberty, had waned and relapsed into a night of tyranny, because there was no common and comprehensive government that was of all and for all in the maintenance and defense of the common interests of their people. And, more than all,—what it required neither historical research nor philosophical discussion to understand,—they felt the very foundations of the liberty and happiness they had fought so long to secure crumbling beneath their feet with the existing system. What then? A change of system was resolved upon, and—though it may seem strange to those who fancy that the Constitution of 1787 was of the same nature as the articles of confederation, and that the Constitution of to-day is the same that it was before it was amended in fifteen particulars—it was a change that was to make the situation of the States and of the people different from what it was before. The "association of republics," not less dear to us than to Mr. Centz, remained; but, if plain language can be trusted, "the people of the United States, in order to secure the blessings of liberty, etc., to themselves and their posterity," established the Constitution of the United States of America. In it, and by it, the people, as a whole people and as one people, granted legislative powers to a Congress created by the Constitution itself, and never before and not otherwise existing; they provided how and by whom its members should be elected, and they described the things it might do, and declared what it should not do, just as the constitutions of the States defined and limited legislative power in the creation of legislatures; they provided that certain enumerated powers should not be exercised by the States; and, to crown all with a certainty, as they supposed, beyond the reach of cavil, they provided that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, *shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.*" They provided, also, for a judiciary, to decide all questions arising under the Constitution and the laws, and a president to execute them, as well as for armies and navies; and they provided, finally, for the amendment of the Constitution from time to time, according to a manner specified.

Here, then, was a government, complete in all its parts, which

purported to be ordained and established by the people, and which was to make and execute supreme laws. Were not these laws to operate upon and be enforced against persons? If armies were to be raised, or taxes imposed, or counterfeiting punished, was it not the individual citizen to whom the law was to speak? The discussion of such a question would at this day be inexcusable. The judgment of the Supreme Court pronounced by Chief-Justice Marshall, more than sixty years ago, in McCullough *v.* Maryland (4 Wheaton, 316), settled all there could be of the question.

Under the new system there came into existence, in the fullest sense, one government of one people, which, in respect to the subjects committed to it, was supreme and incapable of destruction otherwise than by non user, conquest, or revolution. The same people that created it might have conferred upon it all the powers of the States as well as a part of them, and made it for all what each State was for itself. In either case, it would have been in kind precisely the same—in degree, of course, widely different. Our fathers wisely did not choose to do so—they intended that the government of the whole people should not interfere with or abridge the rights and powers of the governments of the States further than was necessary to the liberty and welfare of all the people. They, therefore, adopted the new, and, as it has proved, happy experiment of subjecting every person in the United States to two distinct governments, to each of which he owed duties, generally of different kinds, but in some cases the same. So long as the laws of Congress should be confined to the subjects intrusted to it, and the laws of the States to the subjects retained by them, no conflict of duty could arise. In case Congress or the legislature of any State should transcend its authority, the judiciary, independent of both, would rectify the error. In a division of powers no better mode, fallible as it may be, can be conceived of. One element, indeed, of the structure of the national Government—and a most important one, since it can have no president and no senators without their organized action—is the association of State republics, but the fact that they supply indispensable parts of the fabric does not make it their fabric alone, or constitute them the Government itself. By whatever name we call it, it is a government whose laws and administrative and judicial acts operate directly upon the people, and not through or upon the States in their collective or political character. A majority of

the States could, undoubtedly, break up the Government by simply omitting to appoint electors of president and vice-president, or senators, just as a State government could be destroyed by a majority of its counties or election districts. This would be precisely equivalent to an act of secession.

"The supreme law of the land" must be obeyed in every part of the land, just as much after a State act of secession as before, unless the supreme law has been overborne by such act; but if overborne, it is because the law of the State in ordaining secession is superior to the Constitution and laws of Congress, which is exactly the reverse of what the Constitution itself plainly declares.

In some sense and in some respects, the Government of the United States is an association of republics, but it is also, in respect of the subjects embraced in the Constitution, in the largest sense and in the widest aspect a single government of a single people. So it will continue so long as the general welfare and the blessings of liberty and peace are to remain with us and our posterity. The question has been dealt with through almost a century of Congressional and State debate and legislation, and of judicial discussion and decision, and of practical administrative action, and, at last, it has borne the final test of war, always with one result. *Let it be at rest.*

The paper of Mr. Field brings forward questions of a different character. Taking the structure and nature of the Government and its proper relations to the States to be what he considers it, as stated at the beginning of this article, and what we have endeavored briefly to point out, a certain degree of danger must always exist that the equilibrium of powers and rights partitioned to the government of the people of all the States, or reserved to each State or to the people, will be disturbed. This danger is double, but less terrible for that reason. In one direction, the general Government is presumed to be tempted to amplify its power and authority at the expense of the several States. In the other direction, each State is supposed to desire to make its jurisdiction within its borders more complete than it is. The gravitations of aggressive political ambition, therefore, counteract each other, and tend to leave the structure of the government unchanged. Centralization, so called, can, in our condition, be nothing more than an increase of power of the general Government, and usually a corresponding diminution of the powers of

the States. Applied to certain subjects it might be most wise and necessary. The formation of the original Constitution was itself an act of stupendous centralization, but it was done as the only means of preserving the liberties of each and of all the States and the people, and of avoiding the wreck that had overtaken all previous associated republics. It consisted of withdrawing certain powers from separate and single communities of people, and lodging them in one great community of the same people. At that time, the people of the thirteen States were far more widely separated in institutions, in social habits, in industries, and in intercourse than are the people of the thirty-eight States at the present time. Political and social assimilation, trade and commerce, through time and the railway and telegraph, have made the people covering the breadth of the continent a much more compact and homogeneous body than were those who inhabited the small extent of territory extending from Massachusetts to Georgia at the close of the Revolution. The dangers in increasing the governmental powers of the aggregated community are, therefore, correspondingly less, and in some few respects the need of these changes has been greater. The Constitution itself provided for changes in the apportionment of powers between the general Government and the several States by the concurrent act of two-thirds of both houses of Congress, and of the legislatures of three-fourths of the States, etc. The first eleven amendments of that instrument, adopted before 1800, were all restrictive of the powers of the general Government—some in favor of the States, and more, directly in favor of the people as common members of one political community. A long and bitter experience of the power of respective States to establish and maintain the institution of slavery led two-thirds of both houses of Congress and the legislatures of three-fourths of the States, by the 13th, 14th, and 15th amendments, to destroy this power, and to secure liberty and equal rights in every State, under national protection. This was truly a great change in favor of the power of the whole people, and in diminution of the powers of the people of each State. Was this "a step that endangered the liberties" of the people of the States? It *gave* liberty to millions. It secured, or purported to secure, equality of rights and equality of protection under the laws. It is true that this change was resisted in Congress and out of it by a great political organization, but is there now any political party or any

considerable number of citizens who would undo that great act, or who fear that the safety or ultimate welfare of any State is endangered by it? If this question be answered in the negative, then there have been no undue or dangerous steps toward centralization in the changes of the Constitution itself. If otherwise, let those of that opinion say so in plain terms. We assume, then, that in the general judgment of the whole people, and in the opinion of the respective States, the Constitution as it stands does not in itself disturb the true equilibrium of powers, or impair the security or just rights of any State.

We go as far as Mr. Field has gone, or can go, in maintaining that the existence and independence of every State as declared and recognized in the Constitution must be preserved, and that each ought to retain every right and power not plainly necessary to be left with the national Government, for the welfare of all, including its own people. The States are the bulwarks of the liberties of the whole people, as the government of the whole people is the bounden and willing defender of the republican existence of each State, and of the inherent freedom and civil equality of its citizens.

Tendencies to "centralization," or the reverse, can occur—the Constitution being right—either through unconstitutional legislation of Congress, usurpation or omission of duty by the executive, or erroneous judgments by the judiciary. That there are dangers from each and all these, and dangers in both directions, is admitted, but they and similar ones are inseparable from human nature, and they will continue so long as men manage human affairs. These tendencies are illustrated by recent acts of Congress undertaking to deal with the health of the people of the various States; by the assumption of the power by the President to remove officers of the United States without the consent of the Senate, and without authority from any act of Congress; by the omission of President Buchanan to take care that the laws be faithfully executed in spite of State acts of secession, and by the decisions of the Supreme Court in the Dartmouth College case and many cases that have followed it, touching the immunities of corporations from State control, and their citizenship. Others might be given.

We do not, however, think with Mr. Field that "the Federal Government has overshadowed the State governments." In the matter of honors, offices, and emoluments, it is believed that the

desire to be a member of Congress rather than of the legislature of a State was as great in 1790 as in 1875, and that the ambition to be President was as strong, and the awe-inspiring magnitude of the position greater, in the days of Adams, and Jefferson, and Jackson than in the time of Buchanan, Lincoln, and Hayes; nor can we agree with him in many of his examples of the "exercise of substantial power" to the disturbance of the true constitutional relations of the Government.

We will briefly examine some of them. Leaving aside the question of its wisdom, is it clear that the Libel act of 1798 was contrary to the Constitution? That malicious libels fall within the body of offenses that may be punished by law as crimes, we suppose nobody doubts; and if Congress can, by law, protect the persons of the President and its own members against unlawful violence while engaged in the performance of their duties, why can it not, in like manner, defend their characters and good names, *quoad* their offices, from malicious aspersion, which is usually far more injurious to the Government than to the persons assailed? If falsely maligning the administration of the office of Governor of the State of New York may be a crime against that State, may not the same thing, done in regard to the office of President of the United States, be a crime against the United States? But we have no purpose of defending the act of 1798. We only suggest that its principles may have constitutional validity.

It is by no means indisputable that "the relations between the Federal and State governments" continued without material change, except as to the tariff, from the time of Jefferson to that of Lincoln. A very considerable portion of the people of the United States, who at last, in 1860, were able to elect the President upon that issue, maintained, we think with reason, that by means of Congressional, administrative, and judicial action the slavery system was being nationalized, contrary to the Constitution and the intent of its founders, and to the shame of justice and Christianity. And, in regard to the tariff, whatever, and however extensive, may be the effect of legislation on the subject, the Constitution distinctly provided that Congress should have power to lay and collect duties, imposts, etc., uniform throughout the United States, according to its own judgment of the general welfare, and that no State should do so without the consent of Congress. It has exercised this power from the very

first, and always with visible effect upon the industries of the country; but who, except the South Carolina nullifiers of 1832, has ever maintained that, in so doing, it was exerting unconstitutional power, or changing the ordered relations of the Government? That such legislation has often been unwise in its arrangement is clear enough; to suppose that it has been aggressive in respect of any right of the States, is quite incorrect.

That Congress had power, under the original Constitution, to establish a national bank or banks—once a matter of great political dispute—was decided by the Supreme Court, in 1819, when Marshall was Chief-Justice, all the six associate justices concurring. They were Washington, Johnson, Livingstone, Todd, Duval, and Story—great names. Where, in any country or in any time, could a more learned, upright, or independent tribunal be found? It is one of the constant incidents of every civilized government, that neither the demagogue, the philosopher, nor the rhetorician can ever get rid of, that every question of difference must be decided by somebody according to prescribed methods. This was such a question, and it was so decided, and the successors of those great judges have adhered to that judgment. The people, who at last can, by constitutional means, control everything, could have caused this decision to be overruled. They have not done so; and the opinion of Chief-Justice Marshall stands to this day a great monument, marking one of the boundaries between Federal power and State rights. The question of national banks, then, becomes one of legislative policy merely; it is not at all one touching the equilibrium of governmental powers.

The act of Congress relating to telegraph lines simply authorizes all telegraph companies to set up their lines in the public domain, public waters, and along the post and military roads of the United States, and requires them to do service for the Government. Under this law the Supreme Court has decided that a State cannot prevent a company of another State from so doing, any more than it could under the same circumstances prevent a natural person. The doctrine simply is that Congress may constitutionally authorize and defend the construction and use of the telegraph along its post roads, etc. The phrase "establish post-offices and post roads" in the Constitution was evidently designed, and has always been construed, to authorize provision for the transmission of intelligence between different

parts of the country by means suitable to the object—a thing essential to the unity, security, and welfare of all the States. At first it was done by a peaceful "man on horseback," along woodland paths and over corduroy roads; then in coaches along great highways and turnpikes; later, the railway and the steam-ship in a large degree superseded these earlier and less effective means; and at last the mysterious and tremendous forces of nature herself are tamed to the control of man, and, annihilating space, serve obediently in the great processes of civilization, progress, and peace. Will it be seriously maintained by those who stand always for the preservation of the separate rights of the States—and the writer of this article claims to be one of the most earnest of them—that Congress has in this respect passed beyond the boundary of its powers? It is thought not. On the contrary, it is believed that the great body of the people of every State hold to the doctrine that it was the plain and wise design of the founders of the Government that no State should have the power to establish within its borders any monopoly of the transmission of intelligence; and it is to be hoped that the day is not distant when the postal telegraph will exist in every city and village of the country.

In respect to the laws of Congress making "regulations about the manner of holding elections for representatives" in Congress, and the complaint of the accomplished and patriotic writer of the article referred to, that Congress has authorized United States marshals "to prevent fraudulent voting, and to arrest persons guilty of it, whether the voting be for State or Federal officers," it is true that Congress has passed laws intended and calculated to protect the lawful right of all qualified citizens to vote for members of Congress, and their right to have all lawful votes counted and truly declared, and all unlawful ones rejected. This great and fundamental privilege and duty of citizenship, on which the safety of the States and people chiefly depends, was recently declared by a great party, with astonishing correctness, to be the "right of all rights"—if we remember the phrase correctly. And yet the same party, which has been often more than suspected of profiting by violence, tissue ballots, false returns, and other methods analogous, resisted the passage of these laws by every means in its power, notwithstanding the Constitution declares that "the times, places, and manner of holding elections for senators and representatives shall be pre-

scribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of chusing senators." It must be said, however, with great respect, that Congress has *not* authorized the arrest of persons guilty of fraudulent voting, "whether the voting be for State or Federal officers." It has only authorized the arrest of persons guilty of fraudulent voting for members of Congress. Nor has it authorized the inspection of any registration, ballot, vote, box, or tally-sheet, other than those relating to members of Congress. If any State has chosen to have one registration, one box, one ballot, and one tally-sheet book for State officers and members of Congress, it follows that the officers of the United States must inspect them — unless the whole thing is to be a sham — until either the State or Congress separate the State and Congressional elections entirely. How then has Congress transcended its clear powers in these respects? And if it has not, where is the invasion of State rights? (See *ex parte* Siebold, 100 U. S. Rep., 373.)

The legislation of Congress to enforce the recent amendments of the Constitution, and also for the removal to the Federal courts of the criminal cases in which the revenue laws are drawn in question, is also made the subject of animadversion. Our space does not admit of a discussion of these topics. In the cases of Tennessee *v.* Davis, 100 U. S. Rep., 258; Strander *v.* West Virginia, *ib.*, 303; Virginia *v.* Rives, *ib.*, 313; and *ex parte* Virginia, *ib.*, 339, they are exhaustively considered, and these acts of Congress held to be constitutional upon grounds which we think will commend themselves to the good sense of impartial men. The perusal of these cases, and of those from which Mr. Field has made extracts, will be interesting and valuable to all intelligent citizens.

Neither do we think it needful to again debate the justice or validity of the reconstruction acts of 1867. They were passed by a patriotic Congress at the close of an unpatriotic rebellion, and provided for the peaceful restoration of the rebellious State governments to their original relations in the Union, when the liberties and equal rights of all their citizens should be made secure under the great shield of the Constitution of the United States; they have been confirmed by the people and the States in four presidential elections, and, in their chief character, recognized by the Supreme Court.

That the executive has sometimes exceeded his powers in the arrest and trial of citizens by military commission, as in the

case of Milligan, and in the removal of persons from office without the consent of the Senate, as in the case of Secretary Stanton, just as Congress and the State legislatures have sometimes exceeded their powers, and as courts have sometimes decided cases erroneously, is no doubt true; but it is not easy, by any system of government yet discovered, or through any party yet formed, to prevent such accidents entirely. Intelligent discussion and the power of a people really desirous to enjoy freedom under law will always reduce these misfortunes to a minimum.

The "two observations" of Mr. Field on these laws of Congress are: *First.* "That these acts are, in themselves, a displacement of State power far beyond anything written in the early days of the Constitution, and probably far beyond anything then thought to be possible." *Second.* "That the theory on which they rest would, if carried to its logical result, lead to the practical absorption in the general Government of all the chief functions of sovereignty."

The first of these observations is, as it respects some of the acts of Congress, undoubtedly true. It was not written in the first Constitution that Congress should have power to prevent and punish the enslavement of human beings, or to defend and protect the universal equality of the civil rights of citizenship, or to guard the political right of voting against distinctions founded on race, color, or previous condition of servitude. All these were, at first, reserved to the States, but from the seed planted by the war for slavery grew the beautiful tree of universal liberty and equal rights, whose roots are struck deep in the nourishing soil of the amended national Constitution, and are watered by just and equal laws, and whose branches, though they kiss the skies and overspread a continent, no storm of party or of faction will ever overthrow. This was, indeed, an increase of national and a diminution of State powers, but it was beneficent, and it was in harmony with the great purposes of the founders of the Government, and it was accomplished lawfully in the way that the Constitution itself provided.

The others of these acts of Congress, aside from the reconstruction acts, have been held, by the tribunal provided in the Constitution for the decision of such questions, *not* to be "displacements of State power," and one of them—perhaps the most important—was the law of 1833, for the removal into the national courts of criminal suits, as well as civil, against customs officers,

when the defense was rested on the laws of the United States, recommended and approved by President Andrew Jackson, and extended so as to include officers of the internal revenue.

The fact that all the laws were not enacted immediately after the adoption of the Constitution furnishes no ground for the claim that new laws are departures from its letter or spirit; new circumstances, new wants, and new dangers must be dealt with as they arise.

We are not able either to see that the theory on which the acts mentioned rest leads to the dangerous results supposed. What is this theory? It certainly is not that the vast aggregate of powers reserved to the States is "police power" in any sense in which courts, Congress, or the President have understood these words, though some of these powers are police powers. The powers of the States, except as to the structure of the national Government and their rights under the Constitution as between each other, are innate. They come from within and not from without; but the powers of the created *government* of the State are not innate. They are usually conferred by the collective body of the people by a written and measured authority. The Constitution of the United States and the constitutions of the States emanated from the people, who in both cases are the source of power. The powers of the former are described by enumeration; of the latter as a residuum. The former are bestowed by all for the benefit of all, and the latter reserved to each separate part for the use of that part, or "to the people."

The theory of such of these acts of Congress as we refer to is, so far as the present question is concerned, that the Constitution, by the grant of the people and the consent of the States, vested in Congress the power to act on these subjects, and that in the judgment of Congress the public welfare demanded the particular action taken — that is all. True, there is a wide but not unlimited latitude in the choice of means, which may be, and doubtless sometimes has been, abused, but such abuse shows a personal failure on the part of the members of Congress and the President, parties to it, in the performance of a constitutional duty, and has no relation to the intrinsic constitutional theory of the act itself. If the means were constitutional, the exercise of such powers thus granted is no evidence of a right or claim to exercise other powers of even a precisely analogous kind, for the analogous power may not have been granted. The constitutional theory of these laws rests on authority conferred. That existing,

they do not violate the Constitution—as in case of the tariff, for instance—from the fact that the motive of the law-maker was "to foster one branch of industry at the expense of another." The sum of the matter is that no exertion of constitutional power can be "centralization" further than the Constitution itself is "centralization." So far as that goes we go. Where that stops we hold fast to State rights.

It is, we think, but too plainly true that there have been many recent instances of bad legislation and attempted legislation, some constitutional, but wasteful and extravagant,—like the grants of money in the river and harbor bills, which seem to thrive in proportion to their grossness,—and some extremely dangerous in principle, not to say plainly beyond the powers of Congress,—like the recent paper money re-issue legal tender act passed in time of peace, the health laws, and the measures attempted by the two houses of Congress to draw to themselves the unrestrained power of controlling presidential elections, to cramp and obstruct the constitutional power and duty of the President in the execution of the laws, and to force him to sign bills containing changes he did not approve in the laws, at the peril of being left without money to carry on the Government at all. Some of these have already met with the condemnation of the people in the last elections. Others, it is hoped, will be consumed in the furnace of judicial scrutiny; and all, may we not believe, will finally disappear, in the light of the free discussion and intelligent reflection of the people, in their character as responsible citizens, both of the States and of the United States? Communities, States, and sections are becoming more and more homogeneous, more and more intimately related to each other in interest, in hope, and in affection. Education spreads, and the peaceful liberty of law and order carries its banner nearer and nearer to the home of every man in the republic. In such a case, there can be no danger to State rights or national rights that will not be easily averted. The rights and the means of vindicating them are in the Constitution itself. The impulse and the power rest with the people. There is a very old and famous saying, that "England can never be ruined but by a parliament," and it can be said of this country that our complex but harmonious system of free government will never go much astray from its orbit, or sink, like a burned-out meteor, into its grave, without the act of the people and of the States.

GEORGE F. EDMUNDS.